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9 Attorneys for Defendant
10 Yuneec USA, Inc.

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 SUNDANCE MEDIA GROUP, LLC,

14 Plaintiff,

15 vs.

16 YUNEEC USA, INC., Does I through X
17 and Roe Corporations I through X
Inclusive,

18 Defendant.

CASE NO. 2:18-cv-00388-APG-PAL

Hon. Andrew P. Gordon

**DECLARATION OF DOUGLAS Q. HAHN
IN SUPPORT OF DEFENDANT, YUNEEC
USA, INC.'S MOTION FOR ATTORNEY
FEES**

Complaint Filed: March 2, 2018

19
20 YUNEEC USA, INC.,

21 Counterclaim-
Plaintiff,

22 vs.

23 SUNDANCE MEDIA GROUP, LLC,

24 Counterclaim-
25 Defendant.

1 I, DOUGLAS Q. HAHN, hereby declare as follows:

2 1. I am an attorney duly licensed to practice before the Courts of the States of
3 California and New York and a shareholder at Stradling Yocca Carlson & Rauth, P.C. I am one
4 of the attorneys of record for Yuneec USA, Inc. in the above-captioned matter.

5 2. I am providing this declaration in support of Yuneec's Motion for Attorneys'
6 Fees. ("Motion").

7 3. Except for the paragraphs of this declaration summarizing the biographies of
8 other lawyers, which are accurate to the best of my knowledge and information available to me, I
9 have personal knowledge of the facts set forth in this declaration and could testify competently to
10 them.

11 4. During the course of this litigation, SMG has communicated to Yuneec that that it
12 was entitled to over \$30 Million from Yuneec, demanded over \$2 million to settle, refused to
13 participate in ADR, as a plaintiff issued an offer of judgment of \$400,000, and an amended offer
14 of judgement of \$175,000.

15 5. In contrast, Yuneec has done what it could do mitigate extensive fees as much as
16 possible. Through me, Yuneec offered to forego the attorneys' fees the Court order SMG to pay
17 in relation to the default in exchange for a mutual dismissal of all claims. Yuneec again offered
18 a mutual walk away later in the case and even for the parties to engage in mediation, to resolve
19 this dispute. Both offers were rejected by SMG. Even after winning against SMG's motion to
20 compel, Yuneec issued an offer of judgment where it would pay SMG \$10,000 to resolve this
21 dispute. SMG rejected that offer as well.

22 6. Ultimately, Yuneec brought a motion for summary judgment to resolve this
23 dispute. SMG brought its own limited motion—despite knowing it did not have the facts to
24 support it. Yuneec's counsel, including myself and my team, incurred substantial fees in
25 defending against that motion.

26 **QUALIFICATIONS AND EXPERIENCE**

27 7. I received my juris doctor at the Northwestern University School of Law of Lewis
28 and Clark College in 1998 and my bachelors of science from the University of Texas in 1994.

Before I began my legal career, I was an engineering technologist for Applied Materials, Inc. in Austin, Texas. I am currently a shareholder in Stradling's Intellectual Property practice group. I am admitted to practice in California, New York, and in the U.S. Patent and Trademark Office. I am admitted to the Eastern and Southern Districts of New York, Northern, Central, Southern and Eastern Districts of California, the Eastern District of Texas, the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Appeals for the Ninth Circuit. I have experience in trademark, patent, copyright, trade secret, and other intellectual property and commercial litigation. Over my 20+ years of practice, I have worked on roughly 100 or more copyright litigations and disputes. I have taken several intellectual property cases to trial/arbitration. My prosecution experience includes copyright practice before the Copyright office and patent and trademark applications before the U.S. Patent and Trademark Office and related opinions.

8. In addition to myself, Salil Bali, Jared Veliz, Matthew Stephens, Katie Beaudin, and Ahmad Takouche of Stradling Yocca Carlson & Rauth ("Stradling"), Paul S. Padda and Joshua Y. Ang of Paul Padda Law, PLLC are attorneys of record in this action.

9. Salil Bali is a shareholder in Stradling's Intellectual Property practice group. Salil is a 2008 graduate of the University of San Francisco School of Law. Salil holds a bachelors of arts and bachelors of science from the University of California, Davis. Before his legal career, Salil worked in various aspects of the biotechnology industry, specifically in the fields of bioinformatics, medical devices and diagnostics. Salil specializes in intellectual property litigation and has litigated cases involving issues of patent, copyright, trademark, and trade secret. Salil has litigated matters across a wide variety of fields, including medical device, pharmaceutical, surgical methodologies and instruments, biomedical technologies, machine learning technologies, machine vision technologies, smartphone technology, wireless technology (TDMA, CDMA, GPS, and Internet security systems), e-commerce and consumer products. Salil is admitted to practice in California, is admitted in the U.S. Court of Appeals for the Ninth Circuit, and is admitted in the Central, Northern, and Southern Districts of California.

10. Jared Veliz is a 2010 graduate of the University of Texas at Austin School of Law and a former associate in Stradling's Intellectual Property practice group. Jared holds a

1 bachelors of arts and a bachelors of science from Northern Illinois University. During his time at
 2 Stradling, he specialized in patent litigation and litigated cases involving trademark and
 3 copyright disputes as well as general commercial and real estate matters. Jared litigated matters
 4 across a wide variety of fields, including smartphone technology, multi-core CPUs, wireless
 5 technology (TDMA, CDMA, GPS, and Internet security systems), e-commerce and Internet-
 6 based systems, mechanical devices, medical devices and surgical methods, software, digital
 7 media content, and breathable and water-resistant fabrics. Jared obtained dozens of favorable
 8 settlements for a technology company involving a client's smartphone technology. He also
 9 obtained numerous favorable settlements for a technology company involving a client's Web-
 10 based database storage and retrieval system. Jared has been licensed to practice in California
 11 since 2011.

12 11. Matthew Stephens is a 2012 graduate of the University of San Diego School of
 13 Law and is an associate at Stradling. Matthew received his bachelors of arts from the University
 14 of Southern California in 2009. Matthew's practice focuses on intellectual property litigation,
 15 including resolving patent disputes, and handling matters involving copyright and trademark
 16 issues. Matthew is licensed to practice in California since 2012, and is admitted in the Central,
 17 Northern, and Southern Districts of California.

18 12. Katie Beaudin is a 2015 graduate of Notre Dame Law School and is an associate
 19 at Stradling. Katie received her bachelors of arts from the University of California, Berkeley in
 20 2011. Katie's practice focuses on complex litigation matters, including breach of contract, class
 21 actions and business torts, as well as trademark and copyright infringement. Katie has been a
 22 licensed attorney in California since 2015 and admitted to practice in the Northern, Southern,
 23 Eastern and Central District of California.

24 13. Ahmad Takouche is a 2018 graduate of the University of California, Irvine
 25 School of Law and is an associate at Stradling. Ahmad received his bachelors of arts from the
 26 University of California, Riverside in 2014. Ahmad's practice focuses on complex litigation
 27 matters, including breach of contract, business torts, intellectual property litigation, and data
 28

1 privacy matters. Ahmad has been a licensed attorney in California since 2018 and admitted to
2 practice in the Northern, Southern, and Central District of California

3 14. Stradling is based in Orange County, California. The attorneys of Stradling's
4 Intellectual Property group have developed expertise in patent, trademark and copyright
5 litigation nationwide. Stradling's attorneys are well-respected both in California and nationally.
6 Stradling has brought and defended complex intellectual property litigation in numerous
7 jurisdictions around the country.

8 **TIME INVESTED BY LAWYERS**

9 15. The practice of Stradling's lawyers is to maintain contemporaneous daily time
10 records setting forth the amount of time spent on a file that day, with explanatory statements
11 regarding the tasks involved.

12 16. Counsel's time on this matter was extensive. Significant time and energy was
13 spent in research and strategy for this matter, particularly given the unusual course it has taken.
14 Further, despite SMG's failures to prosecute this matter, late in the case SMG served its first set
15 of written discovery requests to which we responded. Then after refusing to reset the case
16 schedule, months after its own inactivity, SMG decided to bring a motion to compel, which
17 Yuneec's counsel was forced to oppose. To bring a resolution to this matter my team researched
18 and drafted a motion for summary judgment. In response, SMG filed its own motion for
19 summary judgment. Yuneec's counsel had to review, analyze and respond to SMG's briefs by
20 researching and preparing a reply in support of its motion and an opposition to SMG's motion
21 for summary judgement. In addition, at the last minute, SMG attempted to introduce new
22 evidence in its reply to its summary judgment motion, forcing Yuneec to file a motion to strike
23 and a motion for leave to file a sur-reply. Though this case did not take the normal track with
24 volumes of discovery and the related motion practice, it nonetheless required significant time
25 particularly in light of SMG's failures, posturing and antics.

26 17. Attached to this Declaration as **Exhibit A** is a true and correct detailed statement
27 of the time contemporaneously recorded by Stradling attorneys for work on this case, edited to
28 reflect redactions of privileged information including attorney-client and work product

privileges. Further, we have removed from our billing statements all time entries relating to the entry of default, default judgement, opposing the motion to set aside default, motion to stay proceedings pending resolution of the set aside, and the motion for attorneys' fees relating to the default. We reviewed and edited the bill to ensure that it only reflects the work done to defend against SMG's claims and prosecute Yuneec's. The total amount billed by Stradling lawyers and staff to Yuneec over the past 2.5 years for defending this matter, accounting for the aforementioned exclusions, is \$184,699.95 after any applicable discount. The costs incurred in defending this matter including filing fees, duplication, word processing, research fees and courier fees total \$2,146.43. An unredacted version of this exhibit will be provided to the court *in camera* pursuant to Local Rule 10-4.

18. Stradling's hours are billed to the tenth of an hour, a standard practice in the Orange County and other legal markets. For purposes of this Motion, below is a table that summarizes the time incurred from the initiation of this litigation:

Biller	Hours
Douglas Q. Hahn	79
Salil Bali	143.3
Jared Veliz	6.6
Matthew Stephens	61.6
Katie Beaudin	0.1
Ahmad Takouche	43.8
Total Attorney Time Billed	334.4
Total Staff Time	1.2

HOURLY RATES

19. Stradling lawyers and staff had the following 2018, 2019, and 2020 hourly rates. Stradling's hourly rates are fixed.

Biller	Attorney JD Year	2018 Hourly Rate	2019 Hourly Rate	2020 Hourly Rate
Douglas Q. Hahn	1998	\$775	\$825	\$825*
Salil Bali	2008	\$575	\$600	\$600*
Jared Veliz	2010	\$525	N/A	N/A
Matthew Stephens	2012	N/A	\$550	\$550
Katie Beaudin	2015	N/A	\$425	N/A
Ahmad Takouche	2018	\$375	\$375	\$375
Paralegal Staff	N/A	\$290	\$290	\$290

*For this matter, Messrs. Hahn and Bali did not move their rates to their 2020 rates set by the firm. Mr. Hahn's 2020 rates are \$850/hr and Mr. Bali's 2020 rates are \$630/hr.

20. Given Stradling's long standing relationship with Yuneec, the firm offered Yuneec a 10% discount on our attorneys' fees for this matter. This discount is reflected in the total amount billed by Stradling lawyers and staff to Yuneec detailed above in Paragraph 17 and in the billing statements attached herein as Exhibit A.

21. Stradling attorney rates are Stradling's standard hourly rates, set based on the nature and extent of their professional experience and the number of years of practice. Particularly, all of the attorneys assigned to this matter have particular expertise with copyright matters and/or complex commercial litigation. Stradling periodically reviews prevailing hourly rates in the legal community of firms roughly comparable in size and having attorneys of similar skill, experience, and standing and takes this review into account when setting the firm's hourly rates.

22. The hourly rates listed are also supported by our attached billings and my own familiarity with rates charged by Orange County-area lawyers based on practicing in this market.

23. I believe the rates Stradling is requesting for work in this case are reasonable and appropriate for lawyers of similar experience, reputation and skill.

1 24. Counsel was not precluded from taking additional employment due to acceptance
2 of the case.

3 25. There were no time limitations imposed by the client or the circumstances.

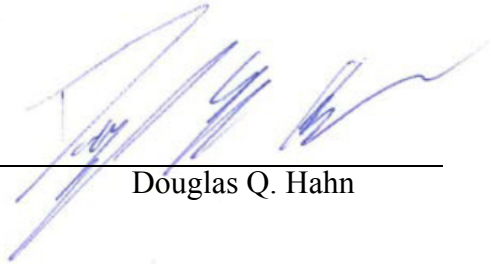
4 26. This case would not be characterized as undesirable.

5 27. Stradling has represented Yuneec for several years in both intellectual property
6 matters and general corporate matters.

7 28. This case is focused primarily on the issues of copyright infringement and
8 licensing, so counsel with special skills and copyright experience are required.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this
10 26th day of October, 2020 in Newport Beach, California.

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Douglas Q. Hahn